

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/136,839 08/20/98 TETT

R PAGE01-00136

023990 WM01/0409  
NOVAKOV, DAVIS & MUNCK, P.C.  
900 THREE GALLERIA TOWER  
13155 NOEL ROAD  
DALLAS TX 75240

EXAMINER

SHIMIZU, M

ART UNIT

PAPER NUMBER

2635

DATE MAILED:

04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/136,839

Applicant(s)

Tett

Examiner

Matsuichiro Shimizu

Group Art Unit

2635



☒ Responsive to communication(s) filed on Feb 20, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2635

***Response to Amendment***

The examiner acknowledges amended claims 1-20.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument (ls 22, pp 12 and ls 1-9, pp 13), use of the term 'capable' affords no patentable weight since it only suggests the ability to perform. Davis discloses an interface to a database coupled to the message distribution system and capable of storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)). Furthermore, Davis bases storage of message dependent upon length of message. Therefore, this would be independent of whether it is delivered or not as claimed.

Regarding applicant's argument (ls 9-15, pp 13), Pepe discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 19, ls 1-64, any message (E-mail as an illustrative example); interchangeable message flow; fetch operation) to assure the successful transmission of any message.

Art Unit: 2635

Regarding applicant's argument (ls 16-19, pp 13), Pepe discloses, in the analogous art of paging system, the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request (c 19, ls 1-64, segmented transfer of a long message; interchangeable message flow) to assure the successful transfer of long message.

Regarding applicant's argument (l 20, 13 and ls 1-4, pp 14), Davis discloses the distribution system initially transfers all of a selected stored message to the subscriber in response to receiving a complete message request from the subscriber requesting all of the selected stored message (c 4, ls 22-47, message).

Regarding applicant's argument (ls 5-8, pp 14), Davis discloses response messages to stored messages are stored in association with the stored messages within the data record/database (c 3, ls 22-43, a call point transceiver).

Regarding applicant's argument (ls 9-14, pp 14), Pepe, further, discloses, in the analogous art of pager system, the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility (c 6, ls 43-51, screening is same as canceling).

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2635

1. Claims 1, 5, 7, 9-10 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (5,392,52).
2. Regarding claim 1, Davis discloses for use in a wireless messaging system (c 1, ls 8-12), a message distribution system capable of allowing a subscriber (c 5, l 8, user) of said wireless messaging system to review stored wireless messages sent to said subscriber comprising; an interface to a database coupled to the message distribution system and capable of storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)), and furthermore, capable of storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN (20)); a first I/O interface (30, Fig. 1, c 4, ls 25-31, telephone interface network) capable of receiving a message retrieval request ( Fig. 1, c 4, ls 25-31, message retrieval request) from said subscriber (Fig. 1, c 4 , ls 25-31, signal generated belonging to subscriber or user); a message retrieval controller coupled to said first I/O interface (32, Fig. 1, c 4, ls 25-31, telephone interface network) capable of determining an identity of said subscriber (Fig. 1, c 4, ls 25-31, predetermined security identification code) from identification

Art Unit: 2635

data contained in said message retrieval request (Fig. 1, c 4, ls 25-31, signal generated belonging to subscriber or user), retrieving a data record associated with said subscriber (34 and 42, Fig. 1), said data record containing one or more of said stored wireless messages (42, Fig. 1), and transferring to said subscriber one or more selected portions of at least one of said stored wireless messages (c 4, ls 34-40, transferred to the pager or subscriber).

3. Regarding claim 5, Davis discloses the first I/O interface (30, Fig. 1, c 4, ls 34-40) and an RF transceiver facility (15, Fig.1).

4. Regarding claim 7, Davis discloses receiving from said RF transceiver facility a response message responsive to a transmission of said received wireless message to said paging device (50, Fig. 1, c 5, ls 44-47, a call point transceiver) and response messages to stored messages are stored in association with the stored messages within the data record/database (c 3, ls 22-43, a call point transceiver).

5. Regarding claim 9, Davis discloses said message retrieval request is received from a public telephone system (30, Fig. 1, c 4, ls 25-28, the interface coupled to PSTN-20).

6. Regarding claim 10 , Davis discloses a plurality of RF transceiver facilities (c 3, ls 2-33, anticipated from the nearest cordless telephone call point station suggests many other call point stations). Furthermore , the subject matters except said plurality of RF transceiver facilities in claim 10 are disclosed in claim 1, and therefore, rejections of the remaining subject matter expressed in claim 10 are met by references and associated arguments applied to rejections of claim 1.

Art Unit: 2635

7. Claim 18 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claim 1. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 18 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 18 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 6, 8, 11-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Pepe at al. (5,742,905).

10. Regarding claim 2, Davis discloses storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 6, ls 35-52, the message is stored in the temporary message memory (42, Fig. 1) whether the subscriber is authorized or unauthorized, and independently upon request and correct ID by the subscriber the message is transmitted to the subscriber via message distribution system of PSTN

Art Unit: 2635

(20)); But Davis does not disclose storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber.

However, Pepe discloses, in the analogous art of paging system, storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber (c 19, ls 1-64, any message (E-mail as an illustrative example); interchangeable message flow; fetch operation) to assure the successful transfer of any message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber in the device of Davis because Davis suggests storing wireless lengthy messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber and Pepe teaches storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to reduce interference so that the subscriber assures the successful transmission of any message.

11. Regarding claim 3, Davis, further, discloses the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message). But Davis does not disclose the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request (c 4, ls 22-47, more selected fields are all fields or message).



Art Unit: 2635

However, Pepe discloses, in the analogous art of paging system, the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request (c 19, ls 1-64, segmented transfer of a long message; interchangeable message flow) to assure the successful transfer of long message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request in the device of Davis because Davis suggests the distribution system initially transfers at least one stored message within the data record to the subscriber in response to the message retrieval request and Pepe teaches the distribution system initially transfers only one or more selected fields from at least one stored message within the data record to the subscriber in response to the message retrieval request to assure the successful transfer of long message.

12. Regarding claim 4, Davis discloses the distribution system initially transfers all of a selected stored message to the subscriber in response to receiving a complete message request from the subscriber requesting all of the selected stored message (c 4, ls 22-47, message).

13. Regarding claim 6, Davis discloses subscriber ID received with the security ID (c 4, ls 34-37). But Davis does not disclose said subscriber to enter a password.

However, Pepe discloses, in the analogous art of subscriber security, said subscriber to enter a password (c 13, ls 45-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include said subscriber to enter a password in the device

Art Unit: 2635

of Davis because Davis suggests subscriber ID received with the security ID and Pepe teaches said subscriber to enter a password as an added security feature.

14. Regarding claim 8, Davis discloses subscriber transmits message retrieval request. But Davis does not disclose the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility.

However, Pepe discloses, in the analogous art of subscriber, the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility (c 6, ls 43-51, screening is same as canceling) to eliminate receiving unwanted message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility in the device of Davis because Davis suggests subscriber transmits message retrieval request and Pepe teaches the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility to eliminate receiving unwanted message.

15. All subject matters in claim 11 are disclosed in claims 3 and 10, and therefore, rejections of the subject matters expressed in claim 11 are met by references and associated arguments applied to rejections of claims 3 and 10.

16. All subject matters in claim 12 are disclosed in claims 4 and 11, and therefore, rejections of the subject matters expressed in claim 12 are met by references and associated arguments applied to rejections of claims 4 and 11.

Art Unit: 2635

17. All subject matters in claim 13 are disclosed in claims 4 and 10, and therefore, rejections of the subject matters expressed in claim 13 are met by references and associated arguments applied to rejections of claims 4 and 10.

18. All subject matters in claim 14 are disclosed in claims 6 and 13, and therefore, rejections of the subject matters expressed in claim 14 are met by references and associated arguments applied to rejections of claims 6 and 13.

19. All subject matters in claim 15 are disclosed in claims 7 and 13, and therefore, rejections of the subject matters expressed in claim 15 are met by references and associated arguments applied to rejections of claims 7 and 13.

20. All subject matters in claim 16 are disclosed in claims 8 and 13, and therefore, rejections of the subject matters expressed in claim 16 are met by references and associated arguments applied to rejections of claims 8 and 13.

21. All subject matters in claim 17 are disclosed in claims 2 and 10, and therefore, rejections of the subject matters expressed in claim 17 are met by references and associated arguments applied to rejections of claims 2 and 10.

22. Claim 19 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 19 are met by the cited

Art Unit: 2635

references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 19 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18.

23. Claim 20 recites a method of operation corresponding to system and method for retrieving and displaying paging messages of claims 1, 3 and 18-19. The method claimed is anticipated in that it simply follows the logical implementation of system and method for retrieving and displaying paging messages in the claim in performing each of the functional operations of method and apparatus for system and method for retrieving and displaying paging messages. Accordingly, the inventive embodiments set forth in claim 20 are met by the cited references and associated arguments as set forth above and incorporated herein. Therefore, it is considered that rejection of the limitations expressed in claim 20 would have been anticipated to the artisan of ordinary skill at the time of the invention for the reasons given in the rejection of claims 1, 3 and 18-19.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hidaka (5,606,712), information managing apparatus capable of utilizing related information in different function modes; Davis (5,845,202), method and apparatus for acknowledge back signaling using a radio telephone system.

Art Unit: 2635

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2635

**Contact Information**

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Micheal Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

April 8, 2001



**MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

